

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AMEL DALLUGE,

Plaintiff,

v.

CORRECTIONAL OFFICER
COATES, CPL CHURCH, SGT.
PONOZZO,

Defendants.

NO. CV-06-319-RHW

**ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION**

Before the Court is Plaintiff's Motion for Reconsideration (Ct. Rec. 114). Plaintiff noted the hearing for March 28, 2008 with oral argument. The Court concludes that oral argument is not necessary. *See* L.R. 7.1(h)(3)("[T]he Court may in its discretion determine that oral argument is not warranted.").

On March 7, 2008, the Court granted Defendants' Motion for Summary Judgment and denied Plaintiff's Motion for Summary Judgment (Ct. Rec. 112). On March 20, 2008, Plaintiff filed his motion for reconsideration.

"[A] motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (quoting *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)). It is considered an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Id.* A motion

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1 under Rule 59(e) “may *not* be used to raise arguments or present evidence for the
2 first time when they could reasonably have been raised earlier in the litigation.” *Id.*
3 (emphasis in original).

4 Plaintiff has not presented the Court with newly discovered evidence or an
5 intervening change in the controlling law. Rather, it appears that Plaintiff is
6 arguing that the Court committed clear error. The Court has reviewed Plaintiff’s
7 motion for reconsideration and concludes that it did not err dismissing Plaintiff’s
8 claims.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Plaintiff’s Motion for Reconsideration (Ct. Rec. 114) is **DENIED**.

11 2. The hearing set for March 28, 2008, is **stricken**.

12 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
13 enter this Order and to furnish copies to Plaintiff and counsel.

14 **DATED** this 25th day of March, 2008.

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16 *s/Robert H. Whaley*

17 ROBERT H. WHALEY
18 Chief United States District Judge

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